

REMARKS

Claims 1-12 are pending. Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claims 1-3 and 5-9 are allowed. Claim 4 is cancelled without prejudice or disclaimer and Claims 10-12 are amended to depend only from the allowed claims. Therefore, Applicants respectfully submit that Claims 10-12 should also be deemed allowed due to their depending from allowed claims 1-3 and 5-9. No new matter is presented.

In view of the above-discussed amendments to Claims 10-12 and cancellation of Claim 4 without prejudice or disclaimer, the rejection of Claims 4 and 10-12 under 35 U.S.C. § 102(e) is rendered moot and should be withdrawn. However, Applicants respectfully note that U.S. Patent No. 6,799,109 to Nakamori, et. al. (hereinafter "Nakamori '109") is not prior art in that the instant application was filed on August 20, 2003 and claimed priority from Japanese Application No. 2002-242304, which was filed August 22, 2002. Therefore, the instant application has an effective filing date of August 22, 2002. Whereas the effective filing date of Nakamori '109 under 35 U.S.C. § 102(e) is the respective U.S. filing date, that being February 14, 2003. Hence, given that the effective filing date of the present application (August 22, 2002) precedes the effective filing date of Nakamori '109 (February 14, 2003), Applicants respectfully submit Nakamori '109 is not a valid prior art reference under 35 U.S.C. § 102(e).

Specification

The Abstract has been objected to under M.P.E.P. § 608.01(b). The Abstract has been amended responsive to the objection. Therefore, Applicants respectfully request withdrawal of the objection.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of Claims 1-3 and 5-12, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107439-00092**.

Respectfully submitted,
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